

ZB# 02-52

Roseann Cubito

12-1-28

Public Hearing:

Sept. 23, 2002.

SEQR

Public Hearing:

Nov. 26, 2002.

Granted

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Varianew Granted 11/25/02

#02-52 - Cubito, Rose Ann

12-1-28

Use - 2 Jam.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Cubito, Rose Ann

FILE# 02-52

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE X

APPLICATION FOR VARIANCE FEE.....\$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/23...\$ 22.50
2ND PRELIMINARY- PER PAGE.....\$
3RD PRELIMINARY- PER PAGE.....\$
PUBLIC HEARING - PER PAGE.....\$ 18.00
PUBLIC HEARING (CONT'D) PER PAGE.....\$
TOTAL.....\$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/23.....\$ 35.00
2ND PRELIM.....\$
3RD PRELIM.....\$
PUBLIC HEARING.....\$ 35.00
PUBLIC HEARING (CONT'D).....\$
TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$
TOTAL.....\$ 110.50

LESS ESCROW DEPOSIT.....\$ 300.00
(ADDL. CHARGES DUE).....\$
REFUND DUE TO APPLICANT..\$ 189.50

paid
Money order
348 6885 198
11/12/02
paid
Money order
348 6885 197
11/12/02



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

January 28, 2003

Ms. Roseann Cubito
15 Hillside Avenue
New Windsor, NY 12553

SUBJECT: ZBA #02-52 VARIANCE REQUEST

Dear Ms. Cubito:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

NEW WINDSOR ZONING BOARD OF APPEALS

SBL 12-1-28

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ROSEANN CUBITO

INTERPRETATION

#02-52

WHEREAS, ROSEANN CUBITO, owners of 15 Hillside Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for an Interpretation as to an existing second apartment at the residence located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of November, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant and Mr. John Antonelli appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The house contains a separate rental apartment, which has been in existence since well before the enactment of the Zoning.
 - (c) The separate apartment has been rented or offered for rent continuously since prior to the enactment of zoning.
 - (d) There have been no complaints formal or informal about the apartment.

- (e) The property has been taxed as a two-family residence since before the enactment of zoning.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The residence, which is the subject of this application, is a two-family residence.
2. Two-family residences are not permitted in the zone in which it is located.
3. The property has been actually used as a two-family since before the enactment of zoning and is, therefore, exempt from the zoning prohibitions.
4. The use of the property as a two-family house is a pre-existing, non-conforming use that has been maintained continuously.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor make an interpretation determining that the property known as 15 Hillside Avenue in the Town of New Windsor is a two-family house in an R-4 zone.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 15, 2003


Chairman

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 15, 2003
SUBJECT: REFUND REMAINDER OF ESCROW

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 189.50 TO CLOSE
OUT ESCROW FOR:**

ZBA FILE # 02-52

NAME: ROSEANN CUBITO

ADDRESS: 15 HILLSIDE AVENUE

NEW WINDSOR, NY 12553

THANK YOU,

MYRA

*1/15/03
L.R.*

FEATURES WILL INDICATE A COPY
CASHIER ORDER
348 6885 197
TRAVELERS EXPRESS COMPANY INC. - DRAWER
P.O. BOX 9476, MINNEAPOLIS, MN 55480

DATE 11-07-2002 88-1055
1119

PAY TO THE ORDER OF Town of New Windsor VOID OVER \$300.00
NOT VALID FOR OVER ONE THOUSAND U.S. DOLLARS

AMOUNT \$300dols 00cts DOLLARS
PURCHASER, SIGNER FOR DRAWER

PAYABLE THROUGH COMPASS BANK Dallas, Texas
SIGNATURE [Signature] ADDRESS 15 Melville Ave. New Windsor N.Y.
BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE 12553

⑆111910555⑆348 68851974⑆ 90 #02-52 ZBA

THE FRONT OF THIS DOCUMENT HAS A MICRO-PRINT DATE LINE AND THERMOCHROMIC ABSENCE OF THESE FEATURES WILL INDICATE A COPY

INTERNATIONAL MONEY ORDER



348 6885 198

TRAVELERS EXPRESS COMPANY INC. - DRAWER
P.O. BOX 9476, MINNEAPOLIS, MN 55480

DATE 11-07-2002

88-1055
1119

PAY
TO THE
ORDER OF

Town of New Windsor

VOID OVER \$50.00

=NOT VALID FOR OVER ONE THOUSAND U.S. DOLLARS=

\$50dols 00cts

AMOUNT

DOLLARS

PAYABLE THROUGH
COMPASS BANK
Dallas, Texas

PURCHASER, SIGNER FOR DRAWER
SIGNATURE [Signature]

ADDRESS 15 Williams Ave. New Windsor NY 12553

BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

⑆111910555⑆348 68851983⑆ 90

02-52 2BA.

#02-52 ZBA

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1029-2002

11/12/2002

Cubito, Rose Ann

Received \$ 50.00 for Zoning Board Fees on 11/12/2002. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

CUBITO, ROSE ANN

Mrs. Rose Ann Cubito and Mr. John Antonelli appeared before the board for this proposal.

MR. TORLEY: Request for interpretation and/or use variance of an existing second apartment at 15 Hillside Avenue an R-4 zone. Anyone here wishing to speak on this matter in the audience? Seeing no one, let the record so note.

MS. CORSETTI: For the record, we sent out 24 public hearing notices to adjacent property owners and if I can find it, here it is, on November 12.

MR. TORLEY: Okay, so?

MRS. CUBITO: I'm Rose Ann Cubito, this is my nephew, John Antonelli.

MR. ANTONELLI: What she wants to do, it's an existing apartment, it's been there since the '50s, all right, and we just, she bought the house about 15 years ago and had a title search on the whole thing and I guess they didn't come up with, there's some kind of a C.O. problem or some kind of a problem with the permits and stuff to get other apartment in, its been a pre-existing since the house just about when it was built in 1950, she does have letters from people that, rentals, it's been consistently rented since the house has been built.

MR. KANE: Have you presented those letters.

MRS. CUBITO: Yes.

MS. CORSETTI: Can you present the copies?

MR. ANTONELLI: Sure, what she's looking for is to, she, right now, is in the process of selling the house and she just wants to get the proper--

MR. TORLEY: I'm in receipt of two manuscripts, one from a Lorraine Dekoto (phonetic), which we'll receive and file and a Rose Marie Iuzzini. First is from Miss

Dekoto, states she and her husband at the time resided in this apartment during the time span of spring of 1963 through June of '64 and location and address to contact and the second one.

MRS. CUBITO: That should be the first.

MR. TORLEY: The second one from Iuzzini.

MRS. CUBITO: Her husband passed away and she remarried.

MR. TORLEY: This is to let you know that I was the first tenant to rent the apartment at 15 Hillside Avenue in 1959, at that time, my name was Iuzzini. And they've got a contact point.

MR. KANE: This has been used as an apartment since you've had it?

MR. ANTONELLI: Yes.

MR. TORLEY: Has been rented or offered for rent continuously?

MR. ANTONELLI: Yes.

MRS. CUBITO: Yes.

MR. KANE: Any complaints informally or formally about the apartment?

MR. ANTONELLI: No.

MR. TORLEY: How has it been carried on the tax roles, as a two family?

MR. ANTONELLI: Yes.

MR. TORLEY: Gentlemen, do you have any other questions?

MR. KANE: No. Is there separate meters?

MRS. CUBITO: Yes.

MR. KANE: Electric and gas meter?

MR. ANTONELLI: Yes.

MR. TORLEY: So it's your intention, you have data to support that this was a two-family dwelling at the time the zoning was passed, pre-existed the zoning, has been maintained as a two family continuously, either with a renter or offered for rent since then?

MR. ANTONELLI: Yes.

MRS. CUBITO: Yes, it has. I just have my current tax statements.

MR. TORLEY: Current tax is as a two family?

MRS. CUBITO: Yes.

MR. TORLEY: Gentlemen, do you have any other questions?

MR. MC DONALD: No.

MR. TORLEY: This is going to be in the nature of an interpretation.

MR. REIS: I make a motion that we give Rose Ann Cubito a positive interpretation for a second apartment in her residence at 15 Hillside Avenue.

MR. TORLEY: That interpretation means that it pre-existed zoning.

MR. REIS: Pre-existed.

MR. TORLEY: Pre-existing, non-conforming use that has been maintained continuously.

MRS. CUBITO: Yes.

MR. KANE: Second it.

ROLL CALL

November 25, 2002

59

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Sept. 23, 2002
#02-52.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 8/30/02

APPLICANT:

Roseann (Joseph deceased)
~~Joseph~~ Cubito
15 Hillside ~~Drive~~ Avenue
New Windsor, NY 12553

ZONING BOARD
COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing alterations

LOCATED AT: 15 Hillside ~~Drive~~ Avenue

ZONE: R-4 Sec/Blk/ Lot: 12-1-28

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Converted one family house into a two family house without a Building Permit. (1978)

and/or interpretation

Frank Lini
BUILDING INSPECTOR

PERMITTED One Family

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: A-6 Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

AUG 29 2002

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final plumbing report. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2002-971

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Rose Ann Cubito

Address

15 Hillside Ave

Phone #

845-562-5110

Mailing Address

New Windsor, N.Y. 12553

Fax #

Name of Architect

Address

Phone

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 12 Block 1 Lot 28

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy two family b. Intended use and occupancy two family

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Bathrooms _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

ZONING BOARD

1 / 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lial & Louis Krychew
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 663-4818
(845) 663-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

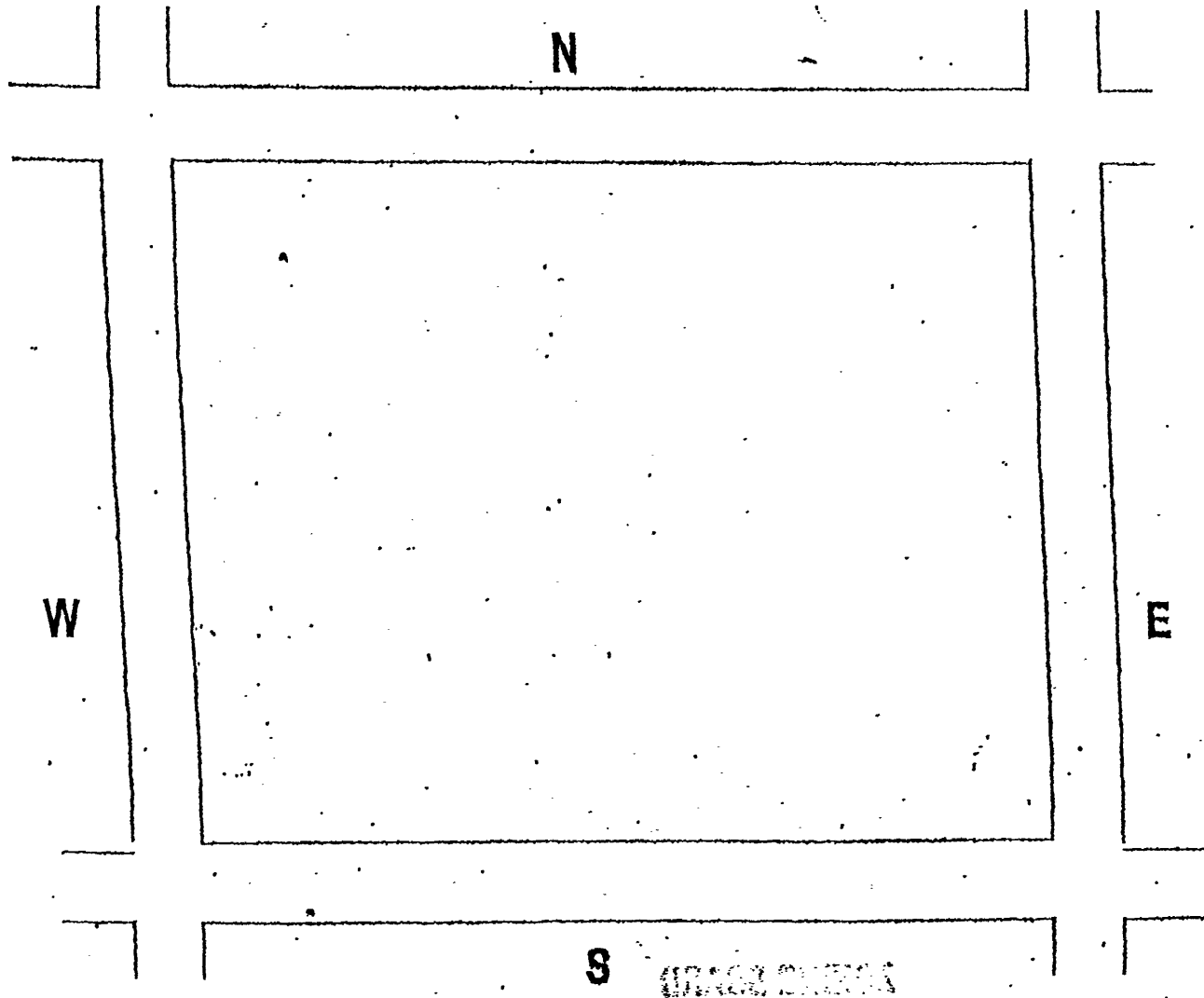
A Jose Ann Cubito
(Signature of Applicant)

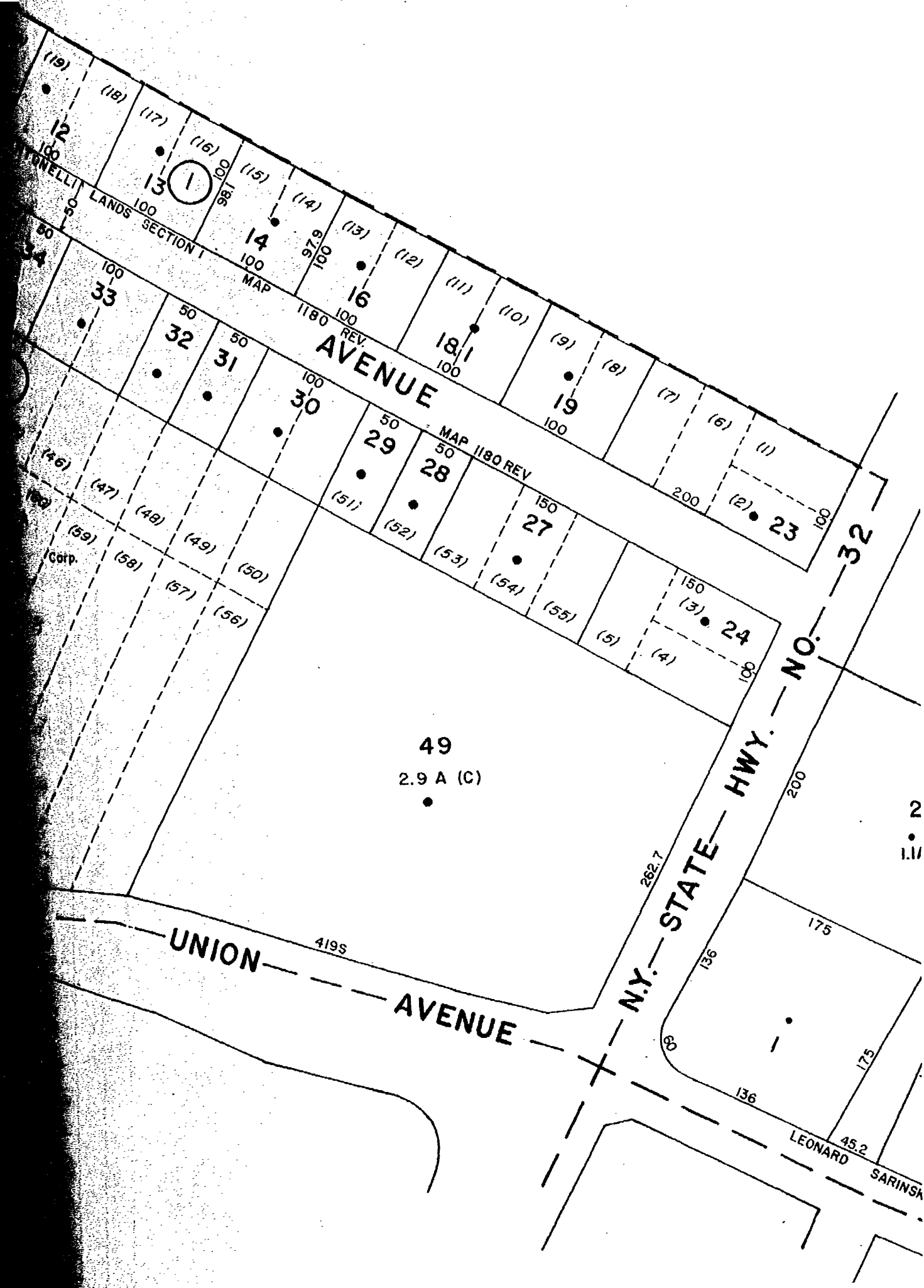
(Address of Applicant)

A Jose Ann Cubito
(Owner's Signature)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





R&F

11/26/02

120 Manor Drive
Cornwall, New York 12518
November 7, 2002

Rose Ann Cubito
15 Hillside Avenue
New Windsor, New York 12553

To whom it may concern;

I, Lorraine DeCouto, and my husband Jerry at that time, resided in the apartment at 15 Hillside Avenue, New Windsor, during the time span of spring of 1963 through June of 1964. If you need any more information, you may contact me at the above address or phone 845-534-2195.


Lorraine DeCouto

R & F

11/25/02

167 Isis Drive

Newburgh, NY 12550

Sept 25, 2002

To whom it may concern:

Just to let you know that I was the first tenant to rent the apartment at 15 Hillside Ave, New Windsor, NY in 1959. At that time my married name was Mr + Mrs. Louis Duzzini. If any further information is needed, I can be reached at (845) 566-0247.

Respectfully,

Rosemarie Leonato

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Rose Ann Cubito

AFFIDAVIT OF
SERVICE
BY MAIL

02-52

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 12th day of November, 2002, I compared the 24
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

October 30, 2002

24

RoseAnn Cubito
15 Hillside Avenue
New Windsor, NY 12553

Re: 12-1-28

Dear Mrs. Cubito:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

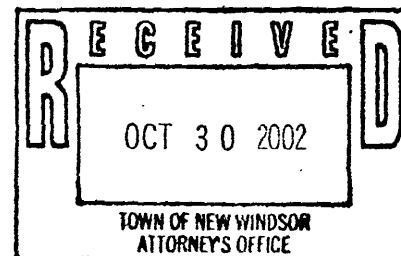
Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

John McDonald
Acting Assessor

JM/lrd
Attachments

CC: Pat Corsetti, ZBA



4-2-21.1
RPA Associates LLC
C/o AVR Realty Company
1 Executive Blvd.
Yonkers, NY 10701

12-1-14
Kevin & Ellen Mann
24 Hillside Avenue
New Windsor, NY 12553

12-1-36 & 12-1-37
John III & Louise Baker
35 Hillside Avenue
New Windsor, NY 12553

9-1-8 & 12-1-13
Archie & Gloria Jean Antonelli
28 Hillside Avenue
New Windsor, NY 12553

12-1-16
Philomena Guariglia Mahood
20 Hillside Avenue
New Windsor, NY 12553

12-1-48
Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, NY 12602

9-1-9 & 12-1-12
Josephine Di Paolo
32 Hillside Avenue
New Windsor, NY 12553

12-1-18.1
Samuel Acquaro Jr.
16 Hillside Avenue
New Windsor, NY 12553

12-2-1
Orwest Realty Corp.
C/o DB Companies Dairy Mart Store #619
PO Box 9471
Providence, RI 02940

9-1-11 & 12-1-23
Ofer Avgush
152 Route 202
Garnerville, NY 10923

12-1-19
Jaroon Buthakurn
12 Hillside Avenue
New Windsor, NY 12553

12-2-2
David Sarinsky
298 Union Avenue
New Windsor, NY 12553

9-1-12.1
LaCasa D'Oro, Inc.
C/o Heritage Realty & Construction
Anthony Clemenza
PO Box 284
Chester, NY 10918

12-1-24
Louis & Kathleen Antonelli
3 Hillside Avenue
New Windsor, NY 12553

9-1-12.2
Angelina Talmadge
C/o Bernie Calandrea
13 Veronica Avenue
New Windsor, NY 12553

12-1-27 & 12-1-49
Frank Sr. & John Antonelli
170 Windsor Highway
New Windsor, NY 12553

9-1-13
Roman Catholic Church of St. Joseph
6 St. Joseph Place
New Windsor, NY 12553

12-1-30
Joseph & Carmela DeLeonardo
1647 Roland Avenue
Wantagh, NY 11793

9-1-25.3
Herbert Redl
80 Washington Street, Suite 310
Poughkeepsie, NY 12601

12-1-31 & 12-1-32
Gino & Ella Cracolici
23 Hillside Avenue
New Windsor, NY 12553

9-1-25.4
Pleasant Acres Nursery, Inc.
161 Windsor Highway
New Windsor, NY 12553

12-1-33
Jamie & Wilma Anzalone
27 Hillside Avenue
New Windsor, NY 12553

12-1-10 & 12-1-11
Samuel & Kathryn Sorbello
34 Hillside Avenue
New Windsor, NY 12553

12-1-34 & 12-1-35
Bernard Mc Cullom
31 Hillside Avenue
New Windsor, NY 12553

Pls. publish immediately. Send Bill to Applicant.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 52.

Request of Rose Ann Cubito

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation and/or Use Variance to allow second
apartment in an R-4 zone;

being a VARIANCE of Section 48-12-Table of Use Bulk Regs.-Col. A.

for property situated as follows:

15 Hillside Avenue, New Windsor, N.Y.

known and designated as tax map Section 12, Blk. 1 Lot 28.

PUBLIC HEARING will take place on the 25th day of November,
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torkey
Chairman

By: Patricia A. Corsetti, Secy.



TITLE NO. 33-124-02238 (0)

CERTIFICATE OF TITLE

Fidelity National Title Insurance Company of New York

HSBC MORTGAGE CORPORATION (USA), its successors and/or assigns

Certifies to **PAUL ELIEZER AND BARBARA KING ELIEZIER**

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of insurance policy in the amount of \$ 240,000/\$235,000.

insuring **A FEE AND MORTGAGE**

and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. SUCH EXCEPTIONS AS MAY BE SET FORTH HEREIN MAY AFFECT MARKETABILITY OF TITLE. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF. THE COMPANY'S REPRESENTATIVE AT THE CLOSING HEREUNDER MAY NOT ACT AS LEGAL ADVISOR TO ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. SUCH REPRESENTATIVE IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY. IT IS ADVISABLE TO HAVE YOUR ATTORNEY PRESENT AT THE CLOSING.

IF ANY OF THE CLOSING INSTRUMENTS WILL BE OTHER THAN COMMONLY USED FORMS OR CONTAIN UNUSUAL PROVISIONS, THE CLOSING CAN BE SIMPLIFIED AND EXPEDITED BY FURNISHING THE COMPANY WITH COPIES OF THE PROPOSED DOCUMENTS IN ADVANCE OF CLOSING.

Dated 9 A.M. 8-5-02

Premises in Section 12

Block 1 Lot 28 & 29

Redated 9 A.M.

On the land/tax map of the County of Orange

15 Hillside Avenue
New Windsor, New York

First Abstract, Inc.
455 Route 304

Bardonia, New York 10954
(845) 623-7755

**Fidelity National Title Insurance Company
of New York**

Will be pleased to confer on any
questions concerning this certificate


Authorized Signature

Schedule A

Title Number: **33-124-02238(O)**

Effective Date: **08/05/2002**

Section **12**

Block **1**

Lot **28 & 29**

Premises **15 Hillside Avenue, New Windsor**
Town/Village/City **Town of New Windsor**
County **Orange**

ALTA Owner's Policy 1992 (with N.Y. Endorsement Modifications) \$ **240,000.00**

Proposed Insured **PAUL ELIEZER & BARBARA KING ELIEZER**

ALTA Loan Policy 1992 (with N.Y. Endorsement Modifications) \$ **235,000.00**

Proposed Insured **HSBC MORTGAGE CORPORATION (USA), its successors and/or assigns**

The estate or interest in the land described or referred to in this Certificate and covered herein is: **Fee Simple**

Title to said estate or interest in said land at the effective date hereof is vested in:

JOSEPH F. CUBITO AND ROSE ANN CUBITO, HIS WIFE

Source of Title:

**DEED FROM CARMELLA ANTONELLI DATED 12-11-84 AND RECORDED IN THE ORANGE COUNTY
CLERK'S OFFICE ON 12-19-84 IN LIBER 2309 CP 741.**

Recertified Date: / /

Title Recertified In:

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW

Schedule A Description

Title Number 33-124-02238(O)

Page 1

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

~~BEGINNING at a point on the southerly line of Hillside Avenue, said point being westerly 300.00 feet from the intersection of the southerly line of Hillside Avenue with the westerly line of Windsor Highway;~~

running thence along lands now or formerly of Antonelli (Liber 1014 cp 194), South 38 degrees 25' 00" West 100.00 feet to a point;

thence along lands now or formerly of Antonelli (Liber 2111 cp 841), North 49 degrees 02' 00" West 100.00 feet to a point;

thence along lands now or formerly of DeLeonardo (Liber 2118 cp 505), North 38 degrees 25' 00" East 100.00 feet to a point;

thence along the southerly line of Hillside Avenue, South 49 degrees 02' 00" East 100.00 feet to the point and place of BEGINNING.

Premises are known as 15 Hillside Avenue, New Windsor, New York.

Premises are also known as Section 12, Block 1, Lots 28 and 29 on the Town of New Windsor Tax Map.

Schedule B

Title Number: **33-124-02238(O)**

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.

S 2. Mortgages returned herewith and set forth herein. (ONE)

3. Any state of facts which an accurate survey might show.

4. Survey exceptions set forth herein.

5. Affidavit of Title will be required on closing.

6. Rights of tenants or persons in possession.

7. S Searches have been run against Rose Ann Cubito, Paul Eliezer and Barbara King Eliezer - nothing found in the Orange County Clerk's office. Search run against Joseph F. Cubito disclosed three (3) Judgments as follows: (1) Judgment filed against Joseph F. Cubito by NYS Workers Compensation Board on 11-15-00 in the amount of \$9,250.00; (2) Judgment filed against Joseph F. Cubito, Jr. by Sears Roebuck & Co. on 1-15-97 in the amount of \$6,674.75. and (3) Federal Tax Lien filed 3-14-97 against Joseph F. Cubito, Jr. in the amount of \$44,718.61 (copies attached).

8. Attention is called to the fact that any instrument covering premises in the County of Orange (Section 333 RPL) must be endorsed with the section, block, and lot of the tax map before it will be accepted for recording.

9. Attention is called to the fact that any instrument conveying real property in New York State (Section 333 1-e RPL) will not be accepted for recording by the County Clerk unless accompanied by a transfer report form prescribed by the State Board of Equalization and Assessment.

S 10. Proof is required to show that Rose Ann Cubito and Barbara King Eliezer have not been known by any other name in the 10 years last past. If she has been known by another name, all searches must be amended and run against such name and title is subject to returns, if any, on such amended searches.

11. FOR INFORMATION ONLY: See Optional Future Market Value Policy Rider Waiver and Notice Form.

12. Proof is required that the premises are not subject to a Credit Line Mortgage.

13. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.

14. The amount of acreage is not insured.

15. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.

Continued On Next Page

Print ID: 3599
Run Date: 8/19/2002 7:34:05
Run By: NYORPUBLIC

Affiliated Computer Services, Inc.
ORANGE COUNTY CLERK
PUBLIC INQUIRY PRINT

Program: PIJPTG

Page 1

Instrument #: 0007027-2000

Selected: CUBITO

JOSEPH

JUDGMENTS INDEXED THROUGH: 1/01/1987 - 8/14/2002

File Date	Time	Index Number	Case Type	Court Type	County	Perfected Date & Time	Sat/Ex Date
11/15/2000	10:44	0007323 - 2000	CIVIL	SUPREME COURT	ORANGE	11/15/2000 10:44	

Attorney: CELENTANO PAUL
WORKERS COMPENSATION BD OF NYS
20 PARK ST ROOM 206B
ALBANY

NY 12207

Damage: .00
Court Cost:
Total: 9,250.00

Misc:

Date & Time Added	Seq#	Series	Name	F	S	Changed Text
11/16/2000 15:56:26	0001	CREDITOR	## WORKERS COMPENSATION BD OF NYS 20 PARK STREET ALBANY, NY 12207			
11/16/2000 15:56:26	0002	CREDITOR	## NYS WORKERS COMPENSATION BD 20 PARK STREET ALBANY, NY 12207			
11/16/2000 15:56:26	0003	DEBTOR	CUBITO 11 GRAND ST NEWBURGH, NY 12550	JOSEPH	F	

***** END OF REPORT *****

Print ID: 3600
Run Date: 8/19/2002 7:34:08
Run By: NYORPUBLIC

Affiliated Computer Services, Inc.
ORANGE COUNTY CLERK
PUBLIC INQUIRY PRINT

Program: PIJPTG

Page 1

Instrument #: 0000264-1997

Selected: CUBITO

JOSEPH

JUDGMENTS INDEXED THROUGH: 1/01/1987 - 8/14/2002

File Date	Time	Index Number	Case Type	Court Type	County	Perfected Date & Time	Sat/Ex Date
1/15/1997	16:10	0005289	- 1996 CIVIL	SUPREME COURT	ORANGE	1/15/1997 16:10	

Attorney: SOLOMON & SOLOMON PC
FIVE COLUMBIA CIRCLE
BOX 15019
ALBANY

NY 12212

Damage: .00
Court Cost:
Total: 6,674.75

Misc:

Date & Time Added	Seq#	Series	Name	F	S	Changed Text
1/16/1997 14:33:49	0001	CREDITOR	## SEARS ROEBUCK & CO 45 CONGRESS ST SALEM, MA			
1/16/1997 14:33:49	0002	DEBTOR	CUBITO 15 HILLSIDE AVE NEW WINDSOR, NY	JOSEPH	F, JR	

***** END OF REPORT *****

Form 668 (Y) (c)
Rev. October 1993)

1291

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

District
PSTATE NEW YORK

Serial Number
169713471

For Optional Use by Recording Office

As provided by sections 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer JOSEPH F CUBITO JR

Residence 15 HILLSIDE AVE
NEWBURGH, NY 12553-6212

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

166-97

MAR 14 12 08 PM '97

ORANGE COUNTY CLERK
FILED

Kind of Tax (a)	Tax Period Ended (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/92	132-64-6118	01/06/97	02/05/07	5011.61
1040	12/31/93	132-64-6118	01/06/97	02/05/07	6695.35
1040	12/31/94	132-64-6118	01/06/97	02/05/07	18779.55
1040	12/31/95	132-64-6118	01/06/97	02/05/07	14232.10
Place of Filing ORANGE COUNTY CLERK ORANGE COUNTY GOSHEN, NY 10924					Total \$ 44718.61

This notice was prepared and signed at Buffalo, NY, on this,

the 28th day of February, 1997.

Signature for J. HOERST

Title
Revenue Officer 16-01-1106

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-468, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668 (Y) (c) (Rev. 10/97)

Schedule B

Title Number: 33-124-02238(O)

16. Subject to the rights and easements if any acquired by any public utilities company to maintain its poles and operate its wires, lines etc., in, to, and over the premises herein and in, to and over the streets adjacent thereto.
17. Any state of facts which an inspection of the premises described in Schedule "A" would disclose.
18. The exact location and dimensions of the boundary lines of the premises described in Schedule "A" will not be insured in the absence of a guaranteed survey.
19. Any state of facts which an accurate survey might shown including changes or alterations in street lines, if any.
20. The identification including photograph (i.e. N.Y.S. Driver's License, U.S. Passport, etc.) of all parties (whether present or not) executing any documents (Deeds, Mortgages, Power of Attorney, etc.) must be presented at closing.
21. Company will not accept any personal checks over \$500.00. Certified checks, attorney trust account checks or mortgage proceeds check will be accepted only. No exceptions.
22. As premises herein are benefited by a tax exemption, policy will except the lien which may attach by reason of any restoration of real property taxes after transfer of title by the owner entitled to tax exemption.
23. Covenants and Restrictions recited in Liber 1210 cp 532 and subsequent deeds of record (copy attached).
24. Premises are serviced by utility companies, telephone, natural gas, communication systems or cable television. Company finds no recorded instruments for these services, nevertheless, premises are subject to those services as are physically present. Policy insures that the exercise of the rights of utility companies will not interfere with the present improvements upon the premises herein.
25. Application states owner to be Rose Ann Cubito. Title certified as found of record. If Joseph F. Cubito is deceased, proof of death must be furnished. An affidavit showing that Joseph F. Cubito and Rose Ann Cubito were never legally separated, never executed a joint or mutual will and were legally married at the time of death of the deceased spouse must be furnished at or prior to closing.
26. Mortgage to be disposed of (see schedule herein).

Tax Search

Account Number:

Title Number: **33-124-02238(O)**

Municipality **15 Hillside Avenue**
Town of New Windsor

Year of Roll **2002**

Section **12** Block **1** Lot **28**

Assessed Valuation **3,700.00** Total **30,600.00**

Assessed To **JOSEPH F. & ROSE ANN CUBITO**

Lot Size **50" x 100'**

Class

School District **NEWBURGH CENTRAL SCHOOLS**

Code **#220**

Taxes

2002 **STATE, COUNTY & TOWN** **1,364.26 PAID**

2002/2003 **SCHOOL TAX** **1,876.71 OPEN**
see installments below Bill #15915**

2002 **Water** **203.09 OPEN**

DUE 10/3/02 **Sewer**

City Tax Payable In Installments As Follows:

1st Installment Due **10/04/2002** **625.57 (base amount) OPEN** : Date

2nd Installment Due **12/04/2002** **625.57 (base amount) OPEN** : Date

3rd Installment Due **03/04/2003** **625.57 (base amount) OPEN** : Date

4th Installment Due

Total **1,876.71**

Note: **BASIC STAR EXEMPTION AFFECTING SCHOOL TAX**

Tax Search

Account Number:

Title Number: **33-124-02238(O)**

Municipality

Year of Roll **2002**

Town of New Windsor

Section

12

Block **1**

Lot **29**

Assessed Valuation

3,700.00 Total

3,700.00

Assessed To

ROSE ANN CUBITO

Lot Size **50 X 100**

Class

School District **Newburgh Central Schools**

Code

Taxes

2002

County and Town

161.30 Paid 01/31/2002

2002/03

School

315.53 Open

Note: **No arrears**
Basic Star

Mortgages

Mortgage Number **1** of **1**

Title Number **33-124-02238(O)**

Mortgagor **JOSEPH F. CUBITO AND ROSE ANN CUBITO**

Mortgagee **COLUMBIA EQUITIES, LTD.**

Amount **\$ 105,000.00** Mortgage Tax Paid **\$ 1,025.00**

Dated **10/30/1987**

Recorded **11/02/1987**

Liber **2874**

Page **31**

Title Company will require a written payoff statement prior to closing.

These mortgage returns, unless the mortgage is to be insured, will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes the provisions of a mortgage may be modified by agreements which are not recorded. We suggest that you communicate with the mortgagee if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.

New York State Municipal Department Searches

Title Number **33-124-02238(O)**

Page **1**

All searches and their results are provided at the request of the mortgagee/purchaser or their respective counsels. The Company does not in any event, insure that the buildings or other improvements situate on the premises or their uses either actual or intended, comply with Federal, State or Municipal laws, regulations or ordinances and therefore assumes no liability whatsoever by reason of the ordering of such searches and does not insure their accuracy. The following results are hereby provided for informational purposes only.

CERTIFICATE OF OCCUPANCY SEARCH

Information to follow

STREET REPORT

Hillside Avenue is a public street maintained by the Town of New Windsor.

BANKRUPTCY SEARCH

See Attached

ABSTRACTERS' INFORMATION SERVICE, INC.

138-72 QUEENS BOULEVARD BRIARWOOD, N.Y. 11435
(718) 291-5900 (516) 742-2290 (914) 761-4451 FAX (718) 291-6681

BANKRUPTCY SEARCH

Company FIRST ABSTRACT, INC.

TITLE NO. 0058-3312402238

Date: 08/14/02

Individual Name:

ROSE ANN CUBITO

Last Known Residence or Business Address:

Premises: _____

County: ORANGE

The result of the investigation as per last posted date: 07/15/02

☒ There is no record of a Bankruptcy Filing for the above mentioned individual or company. The following Bankruptcy Clerks office(s) have been checked:

U.S. BANKRUPTCY COURT
176 CHURCH STREET
POUGHKEEPSIE, N.Y. 12601

☐ The following information is on file:

IMPORTANT NOTICE ABOUT SEARCH INFORMATION ABOVE

Abstracters' Information Service Inc. does hereby certify that the records of the above governmental agency was examined and that the information recorded above is a true and accurate abstraction of the information contained therein. This search was conducted for a period of five years.

This report is submitted for information purposes only. Liability is limited to errors and omissions of information properly indexed, filed and recorded with the above governmental agency. The liability under this search shall not exceed \$1,000 and shall be confined to the applicant for whom the search was made.

This search does not include filings in areas other than the Microfiche or Index Sections of the United States Bankruptcy Clerk's office. This search is exclusively for FIRST ABSTRACT, INC. on 08/14/02. 0058-3312402238

ABSTRACTERS' INFORMATION SERVICE, INC.

138-72 QUEENS BOULEVARD BRIARWOOD, N.Y. 11435
(718) 291-5900 (516) 742-2290 (914) 761-4451 FAX (718) 291-6681

BANKRUPTCY SEARCH

Company FIRST ABSTRACT, INC.

TITLE NO. 0058-3312402238

Date: 08/14/02

Individual Name:

BARBARA KING ELIEZER

Last Known Residence or Business Address:

Premises: _____

County: ORANGE

The result of the investigation as per last posted date: 07/15/02

☐ There is no record of a Bankruptcy Filing for the above mentioned individual or company. The following Bankruptcy Clerks office(s) have been checked:

U.S. BANKRUPTCY COURT
176 CHURCH STREET
POUGHKEEPSIE, N.Y. 12601

☒ The following information is on file:

SEE ATTACHED

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ABSTRACTERS' INFORMATION SERVICE INC.

138-72 QUEENS BOULEVARD BRIARWOOD, NEW YORK 11435
(718) 291-5900 (516) 742-2290 (914) 761-4451 FAX (718) 291-6681

**PLEASE BE ADVISED THE ATTACHED BANKRUPTCY DOCKET (S)
IS THE LAST SIX MONTHS OF ACTIVITY RECORDED.
IF FURTHER INFORMATION IS REQUIRED, PLEASE CALL OUR
OFFICE FOR ASSISTANCE.**

Abstracters' Information Service Inc. does hereby certify that the records of the above governmental agency was examined and that the information recorded above is a true and accurate abstraction of the information contained therein. This search was conducted for a period of seven years. This report is submitted for information purposes only. Liability is limited to errors and omissions of information properly indexed, filed and recorded with the above governmental agency. The liability under this search shall not exceed \$ 1,000.00 and shall be confined to the applicant for whom the search was made.

Southern District of N.Y.

Bankruptcy Case: 99-22266 Chapter: 7 Office: White Plains
Title: In re: Barbara E. Cantave
Judge: Adlai S. Hardin
Filed: 09/27/99 Term: 01/28/00 Reopen: **/**/**
Reterm: **/**/** Discharged: 01/24/00 Asset: no
Fee: p Voluntary
Flags: CLOSED

Nature of Debtor: consumer
Disposition Method: discharge granted
Status: 01/28/00 Case Closed

Trustee: Jeffrey L. Sapir
399 Knollwood Road
Suite 102
White Plains, NY 10603-0000
Trustee Phone: (914) 328-7272

Party	Attorney
Barbara E. Cantave [123-66-0816] [db] aka Barbara Cantave-King aka Barbara King 31 Claremont Garden Ossining, NY 10562	James H. Simmons Jeffery S. Shumejda 47 Beekman Avenue P.O. Box 876 Sleepy Hollow, NY 10591 Phone: (914) 631-4800

--- Schedule and Deadline Information ---

No schedule or deadline information available

Docket Entries for Case 99-22266 ash Chapter 7

01/26/00 6	[6-1] Certificate of Mailing: Order of Discharge and Final Decree Re: [5-1] Final Decree Order of Discharge by Barbara E. Cantave (EOD Date: 1/28/00. Doc. No: 6) (gc) [EOD 01/28/00]
01/28/00 --	Case Closed. (EOD Date: 1/28/00) (gc) [EOD 01/28/00]
01/24/00 5	Order Discharging Debtor Barbara E. Cantave and Order of Final Decree Closing Case Signed On: 1/24/00. (EOD Date: 1/24/00. DOC. NO: 5) (gc) [EOD 01/24/00]
10/29/99 4	Trustee's Report of No Distribution, with affidavit of service. (EOD Date: 11/2/99. Doc. No: 4) (gc) [EOD 11/02/99]

09/29/99 3 Courts Certificate of Mailing Re: [2-1] Section 341(a)
Meeting # of Notices: 21. (EOD Date: 10/5/99. Doc. No: 3)
(gc) [EOD 10/05/99]

09/27/99 2 Notice of 341(a) Meeting Scheduled For 10:30 10/21/99 At
Room 243A, White Plains Last Day To Oppose Discharge:
12/20/99 (EOD Date: 9/27/99. Doc. No: 2) (an) [EOD 09/27/99]

09/27/99 1 Voluntary Petition all schedules and statements. (Filing
Fee \$ 130.00 Adm.Fee \$ 30.00 Trustees Fee \$ 15.00 Receipt #
25223) (EOD Date: 9/27/99. Doc. No: 1) (an) [EOD 09/27/99]

Southern District of N.Y.

Bankruptcy Case: 96-20713 Chapter: 7 Office: White Plains
Title: In re: Barbara King
Judge: John J. Connelly
Filed: 04/18/96 Term: 11/26/96 Reopen: **/**/
Reterm: **/**/
Discharged: 09/23/96 Asset: no
Fee: p Voluntary
Flags: CLOSED

Nature of Debtor: consumer
Disposition Method: discharge granted
Status: 11/26/96 Case Closed

Trustee: Jeffrey L. Sapir
399 Knollwood Road
Suite 102
White Plains, NY 10603-0000
Trustee Phone: (914) 328-7272

Party	Attorney
Barbara King [110-46-5783] [db] 56 Locust Hill Avenue Apt. 3E Yonkers, NY 10701	Stuart Davis 2931 Westchester Avenue Bronx, NY 10461 Phone: (718) 319-1388

--- Schedule and Deadline Information ---

No schedule or deadline information available

Docket Entries for Case 96-20713 jjc Chapter 7

11/24/96 9	Court's Certificate of Mailing Re: [8-1] Final Decree Order # of Notices: 0004. (EOD Date: 11/26/96. Doc. No: 9) (lgr) [EOD 11/26/96]
11/26/96 --	Case Closed. (EOD Date: 11/26/96) (lgr) [EOD 11/26/96]
11/22/96 8	Order Signed On: 11/22/96 RE: Final Decree (EOD Date: 11/22/96. Doc. No: 8) (lgr) [EOD 11/22/96]
09/25/96 7	Court's Certificate of Mailing Re: [6-1] Discharge Order by Barbara King # of Notices: 0016. (EOD Date: 9/30/96. Doc. No: 7) (lgr) [EOD 09/30/96]
09/23/96 6	[6-1] Order Discharging Debtor Barbara King (lgr) [EOD 09/23/96]
07/17/96 5	Motion By Creditor Locust Hill Realty Corp. For Relief From Stay (Returnable: 9:30 8/1/96 Location To Be Announced) (Last Day For Objections to Motion: 7/29/96) (EOD Date: 7/19/96. Doc. No: 5) (lw) [EOD 07/19/96]

07/09/96 4 Trustee's Report of No Distribution, with affidavit of service. (EOD Date: 7/11/96. Doc. No: 4) (jt) [EOD 07/11/96]

04/20/96 3 [3-1] Court's Certificate of Mailing Re: [2-1] Section 341(a) Meeting # of Notices: 0016. (EOD Date: 4/22/96. Doc. No: 3) (lgr) [EOD 04/22/96]

04/18/96 2 Notice of 341(a) Meeting Scheduled For 10:00 6/10/96 At Room 243A, White Plains Last Day To Oppose Discharge: 8/9/96 (EOD Date: 4/18/96. Doc. No: 2) (lgr) [EOD 04/18/96]

04/18/96 1 Voluntary Petition all schedules and statements. (Filing Fee \$ 130.00 Adm.Fee \$ 30.00 Trustees Fee \$ 15.00 Receipt # 8728) (EOD Date: 4/18/96. Doc. No: 1) (lgr) [EOD 04/18/96]

TITLE NO. 0058-3312402238 PAULELIEZER BK

ABSTRACTERS' INFORMATION SERVICE, INC.

138-72 QUEENS BOULEVARD BRIARWOOD, N.Y. 11435
(718) 291-5900 (516) 742-2290 (914) 761-4451 FAX (718) 291-6681

BANKRUPTCY SEARCH

Company FIRST ABSTRACT, INC.

TITLE NO. 0058-3312402238

Date: 08/14/02

Individual Name:

PAUL ELIEZER

Last Known Residence or Business Address:

Premises: _____

County: ORANGE

The result of the investigation as per last posted date: 07/15/02

☒ There is no record of a Bankruptcy Filing for the above mentioned individual or company. The following Bankruptcy Clerks office(s) have been checked:

U.S. BANKRUPTCY COURT
176 CHURCH STREET
POUGHKEEPSIE, N.Y. 12601

☐ The following information is on file:

IMPORTANT NOTICE ABOUT SEARCH INFORMATION ABOVE

Abstracters' Information Service Inc. does hereby certify that the records of the above governmental agency was examined and that the information recorded above is a true and accurate abstraction of the information contained therein. This search was conducted for a period of five years.

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This search does not include filings in areas other than the Microfiche or Index Sections of the United States Bankruptcy Clerk's office. This search is exclusively for FIRST ABSTRACT, INC. on 08/14/02. 0058-3312402238

This Indenture,

Made the *26* day of September, nineteen hundred and fifty-one

Between LOUIS ANTONELLI, of (no number) Windsor Highway, Town of New Windsor, County of Orange and State of New York

part y of the first part, and

JOHN ANTONELLI of 203 Bay Eight Street, Brooklyn, N. Y.

part y of the second part:

Witnesseth, that the part y of the first part, in consideration of TEN (\$10.00) ----- Dollars, lawful money of the United States, and mutual love and affection paid by the part y of the second part, do es hereby grant and release unto the part y of the second part, his heirs and assigns forever,

All that tract, piece or parcel of land, situate, lying and being in the Town of New Windsor, Orange County, New York, more particularly bounded and described as follows:

BEGINNING at a point in the southwesterly side of Hillside Avenue, said point being 300 feet northwesterly of the northwest side of Windsor Highway and running south $38^{\circ} 25'$ west 100 feet to a point; thence north $49^{\circ} 2'$ west 100 feet to a point; thence north $38^{\circ} 25'$ east 100 feet to a point in the southwesterly line of Hillside Avenue, thence south $49^{\circ} 2'$ east 100 feet to the point of place of beginning.

BEING and intended to be lots nos. 51 and 52 as shown on a subdivision of Antonelli's lands made by Theodore Janssori, L.S., September 1938 and filed in the Orange County Clerk's Office.

SUBJECT, however, to the following restrictions and conditions subsequently, viz:

FIRST. No signs, coats, or marks shall be kept upon the property hereby conveyed.

SECOND. Said lots or any portion thereof shall not be used for trade, manufacture or business of any kind whatever except the keeping of automobiles.

my notes

THIRD: No building shall be erected or kept on any lot within 25 feet of the curb line of Hillside Avenue and no dwelling shall be erected on said property which costs less than Two Thousand Five Hundred Dollars (\$2,500.00).

FOURTH: No outside toilets of any kind shall be erected or maintained on said property.

FIFTH: No garage shall be erected that shall cost less than One Hundred (\$100.00) Dollars and the same shall not be erected within 60 feet of the lot front of the lot hereby conveyed.

Together with the appurtenances and all the estate and rights of the part y of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the part y of the second part, his heirs and assigns forever.

And said LOUIS ANTONELLI

covenants as follows:

First. That said LOUIS ANTONELLI is seized of the said premises in fee simple, and has a good right to convey the same;

Second. That the part y of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the part y of the first part will execute or procure any further necessary assurances of the title to said premises;

Fifth. That said LOUIS ANTONELLI will forever warrant the title to said premises.

Sixth. The grantor in compliance with Section 15 of the Lien Law, covenants as follows: That he will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and thence will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In witness whereof the part y of the first part has hereunto set his hand and seal the day and year first above written.

In the presence of

James P. Sullivan

State of New York

County of ORANGE

1951

26

day of September

nineteen hundred and

1951

before me personally came

LOUIS ANTONELLI

to me known

with the individual

personally and who executed the foregoing instrument, and

acknowledged that

he executed the same

One to the same

NOTARY PUBLIC
JAMES P. SULLIVAN
ORANGE COUNTY, N.Y.

State Record entered October 26th 1951 at 9 A.M.

P. J. Sweeney



455 Route 304
Bardonia, New York 10954
Tel. (845) 623-7755
Fax (845) 623-7745

Jan Gittlitz
President

TELECOPIER TRANSMITTAL COVER SHEET

TELEPHONE: 845-623-7755
FAX : 845-623-7745

TO: Michael Sachs, Esq.

FROM: Jan Gittlitz

DATE: 8/19/02

RE: Cubito to Eliezer

NO. OF PAGES (INCLUDING THIS COVER SHEET): 3

Enclosed please find violation letter from the Town of New Windsor with regard to the above transfer of title. Please arrange to have the violations cleared. Also enclosed is a Smoke Affidavit for your client to have completed and returned to the Fire Inspector.

If you have any questions, please contact this office.

PLEASE TELEPHONE SENDER AT ONCE IF LESS THAN THE INDICATED NUMBER OF PAGES WERE NOT RECEIVED.

CC: CHRIS BANGS, ESQ.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4618
Fax: (845) 563-4695

Building Department

August 16, 2002

First Abstract, Inc.
150 Airport Executive Park
Suite 8
Nanuet, NY 10954

PROPERTY ASSESSED TO: Rose Ann & Joseph & Cubito
15 Hillside Avenue
New Windsor, NY 12553
Section/Block/Lot: 12-1-28

Dear Sir/Madam:

Please be advised that the above referenced structure was built in 1950, which was prior to this Town adopting building and zoning codes in 1966. Therefore, there is no certificate of occupancy nor is one required.

Hillside Avenue is owned and maintained by the Town of New Windsor.

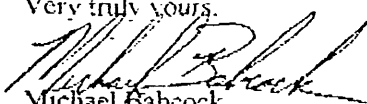
The Assessor's records indicate the construction of a finished basement without a Building Permit. The records also indicate that the above referenced structure is an illegal two family dwelling.

This letter has been prepared after inspection of the records available in the Town Hall. The records indicate that there are violations at the subject premises. No personal inspection was made by the undersigned for the purpose of preparing this letter. The Town of New Windsor does not represent that there are no other violations at the subject premises, however, the Town will represent that it has no knowledge of any other violations at the subject premises.

The inspection of the records was performed at the request of an interested party. The Town will not be liable for any loss or damage that may be suffered by the interested party or any other party who may rely on the contents of this letter.

Title 49 NYCRR requires that a smoke detector be installed prior to the sale of these premises. Please submit to the Fire Inspector at the above address the enclosed affidavit of compliance indicating that a smoke detector has been installed and is operational.

Very truly yours,


Michael Babcock
Building Inspector

MB: jm

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

August 23, 1988



J. & R. Cubito
15 Hillside Avenue
New Windsor, N. Y. 12550

Re: Property assessed to: Cubito
Section 12, Block 1, Lot 28

Dear Sir:

Please be advised that the structure located on the above referenced property was built in 1950 which was prior to this town adopting Building and Zoning Codes in 1966. Therefore, there is no Certificate of Occupancy for said structure nor is one required.

Title #9 NYCRR requires that a smoke detector be installed prior to the sale of these premises. Please submit to the Fire Inspector at the above address a certificate indicating that a smoke detector has been installed and is in operation.

Very truly yours,


Michael Babcock
Building Inspector

MB/mfb

cc: Fire Inspector

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 11th day of DECEMBER, nineteen hundred and EIGHTY FOUR
BETWEEN CARMELLA ANTONELLI, residing at: 15 Hillside Ave.,
New Windsor, Orange County, New York

party of the first part, and

JOSEPH F. CUBITO and ROSE ANN CUBITO, his wife
15 Hillside Avenue, New Windsor, NY 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of

New York bounded and described as follows:

BEGINNING at a point on the Southerly line of Hillside Avenue, said point being Westerly 300.00 feet from the intersection of the Southerly line of Hillside Avenue with the Westerly line of Windsor Highway; running thence along lands now or formerly Antonelli (Liber 1014 cp 194) South 38-25-00 West 100.00 feet to a point; thence along lands now or formerly of Antonelli (Liber 2111, cp 841) North 49-02-00 West 100.00 feet to a point; thence along lands now or formerly DeLeonardo (Liber 2118, cp 505) North 38-25-00 East 100.00 feet to a point; thence along the Southerly line of Hillside Avenue South 49-02-00 East 100.00 feet to the point or place of beginning.

12-
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Carmella Antonelli
CARMELLA ANTONELLI

STATE OF NEW YORK, COUNTY OF WESTCHESTER

SS:

On the 11 day of December 1984, before me personally came

CARMELLA ANTONELLI

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that SHE executed the same.

E. Morton Scott
E. MORTON SCOTT
Notary Public, State of New York
No. 36-3588080
Qualified in Orange County
Commission Expires March 2, 1985

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

P.B. SS:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

LIBER 2309 PG 742

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Margain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

TO

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

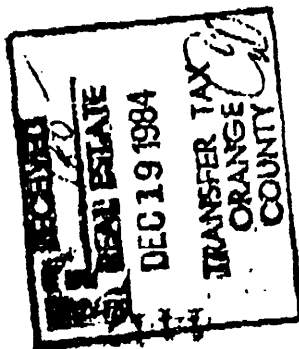
STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

CHICAGO TITLE
INSURANCE COMPANY

Gravelle Abstract
132 Main St
Fishkill NY Zip No. 12534

USE THIS SPACE FOR USE OF RECORDING OFFICE



Orange County Clerk's Office, N.Y.
Recorded on the 19th day of 11/13/84
at 1:26 PM. In Liber 3329
of Book 111
and Examined.
Maura J. Murphy
Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

#02-52
Date: 10/30/02.

I. Applicant Information:

- (a) Rose Ann Cubito X
(Name, address and phone of Applicant) (Owner)
(b) 15 Hillside Ave New Windsor NY 12553 562-5110
(Name, address and phone of purchaser or lessee)
(c) Michael Sachs Rt 94 Squire Village New Windsor NY 12553
(Name, address and phone of attorney) 562 8890
(d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
☐ Area Variance ☒ Interpretation

III. Property Information:

- (a) R-4 15 Hillside Ave New Windsor 12-1-28 .50 X 100 ±
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
(b) What other zones lie within 500 feet? Commercial; residential
(c) Is pending sale or lease subject to ZBA approval of this Application? Yes
(d) When was property purchased by present owner? 12/11/84
(e) Has property been subdivided previously? No
(f) Has property been subject of variance previously? No. If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? NO

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section 48-12, Table of Bulk Regs., Col. A-6.

(Describe proposal) Convert residence from being zoned
a single family residence to a 2 family residence.

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Sale of residence contingent upon Variance. The conversion of this residence from single family to 2 family occurred in 1959. The cost of reconvert to a single family would be significant. Property tax for this residence has been at the 2 family rate for numerous years, even prior to applicant's ownership.

V. Area Variance: *N/A*

(a) Area variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

	Permitted	Proposed or Available	Variance Request
Min. Lot Area	_____	_____	_____
Min. Lot Width	_____	_____	_____
Reqd. Front Yd.	_____	_____	_____
Reqd. Side Yd.	_____	_____	_____
Reqd. Rear Yd.	_____	_____	_____
Reqd. Street Frontage*	_____	_____	_____
Max. Bldg. Hgt.	_____	_____	_____
Min. Floor Area*	_____	_____	_____
Dev. Coverage*	_____	_____	_____
Floor Area Ratio**	_____	_____	_____
Parking Area	_____	_____	_____

* Residential Districts only

** Non-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance:

VI. Sign Variance: *N/A*

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

✓ VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section *48-33*.

- (b) Describe in detail the proposal before the Board:

Applicant states that the second apartment has existed since 1959 & will present evidence to this effect.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: October 30, 2002.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Rose Ann Cubito
(Applicant)

Sworn to before me this

30th day of October, 2002.

XI. ZBA Action:

Patricia A. Corsetti

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2 005

CUBITO, ROSE ANN

MR. TORLEY: Request for use variance to allow existing second apartment at 15 Hillside Avenue in an R-4, single-family zone.

Mr. Joseph Pillitteri and Mrs. Rose Ann Cubito appeared before the board for this proposal.

MR. TORLEY: So, tell us your problem.

MR. PILLITTERI: My aunt purchased this house in 1987 from her mother. When she purchased the house from her mother, she bought it as a two-family house in 1987. I guess it went through the banks or whatever and now her husband has passed away and she's trying to sell the house, it's too large for her. She went through the procedures of selling the house as a two family, when she had purchased, the bank sent the letters around and we received a letter back stating it isn't a two-family house. So we're here to find out why and what we need to do to correct it.

MR. KANE: When you originally purchased the house as a two family, was that just an understanding or did you have some kind of legal documents that stated that this was initially a two family house or was that just a personal understanding going back and forth?

MR. PILLITTERI: It's written on the contract.

MR. KANE: That doesn't necessarily make it.

MR. TORLEY: How old is the house?

MR. BABCOCK: Built in 1950. What I think, Mr. Chairman, what happened is we wrote a letter in 1988 and back then, the bank apparently didn't ask for a violation letter, they asked when the house was built and that there was a C.O. Today, they ask for or last week, I should say, August 16, the bank asked when was it built, is there a C.O., is there any violations so sometime between whenever then and now somebody's records in Town Hall which this indicates the assessor's records indicates that that was added, so it

very possibly was there when she bought it. We didn't know about it, maybe, I'm not sure.

MR. PILLITTERI: Well, the apartment has probably been there well before the '60's, I mean, we've had everybody in our family live there.

MR. TORLEY: We need evidence that it was a two-family house prior to 1967.

MR. BABCOCK: '66.

MR. TORLEY: That means it predates zoning, you can have evidence that it was like that before zoning started, it's grandfathered in and you have no problem.

MR. PILLITTERI: When you say evidence?

MR. KANE: Tax records.

MR. TORLEY: Photos, affidavits.

MR. PILLITTERI: How about the people who lived there?

MR. TORLEY: Affidavits from them.

MR. KANE: Everything that you can do, it's extremely hard.

MR. TORLEY: You have to make sure you have convincing evidence that it was always a two-family house since the early '60's.

MR. BABCOCK: One other thing, Mr. Chairman, in 1968, they took out a sewer permit to hook up to the sewer line and at that time, it was a five bedroom and two baths and what they're telling me there's only one bath upstairs and one bath downstairs, so it appears that's some help for them.

MR. KANE: That will be helpful and if you have been paying your taxes as a two family, you need all the documentation because New York State Law makes it extremely difficult more so than an area variance for the local boards to pass that so the evidence is on you

to prove to us that that has been used before zoning and it's grandfathered in basically.

MR. TORLEY: The more evidence the better.

MR. PILLITTERI: So we need--

MR. REIS: Is there two electric meters?

MR. PILLITTERI: Yes.

MR. REIS: Two heat heating systems?

MR. PILLITTERI: No, single.

MR. MC DONALD: It's zoned?

MR. PILLITTERI: Yes, it's two different zones.

MR. TORLEY: That's the kind of thing we need at the public hearing showing evidence it was a two family before '67, all that kind of information because unless we have clear convincing evidence that it was grandfathered in, then you're asking for a use variance and particularly in a residential zone that's very difficult.

MR. KANE: Basically, it means you've got to prove that you can't sell the house as a single family house for a reasonable return which does not mean make a profit, which would be impossible, so all the evidence you can get.

MR. PILLITTERI: Pictures dating back that my uncles lived there important?

MR. TORLEY: Pictures, affidavits.

MR. PILLITTERI: Get people to indicate that they actually lived there and those dates that would be convincing evidence?

MR. KANE: Yes.

MR. PILLITTERI: Do we need a public hearing for that?

MR. MC DONALD: Yes. I make a motion that we set up a public hearing.

MR. KANE: We do a preliminary so you get a feel for what we need. Other towns you go in cold and if you don't know, you lose.

MR. TORLEY: You're starting over again, think about walking in with what you now know.

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes.

MR. MC DONALD: Motion that we set up Mrs. Cubito for a public hearing on her request for an existing second apartment.

MR. TORLEY: Now, I'm going to ask--

MR. KRIEGER: And/or interpretation.

MR. MC DONALD: Okay, and/or interpretation.

MR. PILLITTERI: Does she need to send letters around to the neighbors?

MR. KANE: Yes, for the public hearing you're going to have to.

MR. PILLITTERI: That's great because some of them lived there.

MR. TORLEY: Now, in addition to that because you're asking for, in addition to the interpretation, you have a fall back of the use, you have to, since it's a use variance, you have to fill out this form, which is the SEQRA environmental assessment form and these other forms are here and call Pat or her office if you have questions.

MR. KANE: I second the motion.

ROLL CALL

September 23, 2002

15

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE